

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

GILBERT JAMES,

Plaintiff,

V.

ENCORE CAPITAL GROUP, INC., ET ALS.

Defendants.

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Civil Action No.: 3:11cv221

**PLAINTIFF'S REPLY TO DEFENDANTS' REPOSE TO HIS MOTION FOR
FURTHER ENLARGEMENT OF TIME TO SERVE EXPERT WITNESS
DISCLOSURES**

Comes now the Plaintiff, by counsel, and as for his Reply to Defendant's Response to His Motion for Further Extension of Time to Serve Expert Witness Disclosures, he states as follows:

The Plaintiff respectfully declines the "offer" made by the Midland Defendants in their responsive brief. Plaintiff has complied fully with his discovery obligations and with the exception of a very handful of privilege objections (supported by a detailed privilege log), Plaintiff did not propound a single objection to the requests made by the Defendants, despite that many would be correctly characterized with the use of several of Midland's boilerplate objections as "overbroad", "unduly burdensome", or "irrelevant". Further, Plaintiff has made himself available for deposition on a date suggested by the Defendants, only to have the Defendants reject that date after Plaintiff confirmed his availability and made arrangements to appear for it.

The *quid pro quo* arrangement suggested by the Defendants is a thinly veiled vehicle by which they seek to use their own discovery non-compliance as a mechanism to obtain an extension for their expert disclosures. Plaintiff has conducted himself in discovery as this District requires and

expects from its litigants. In exchange, the Defendants have obstructed and delayed at every turn. Plaintiff respectfully moves that the Court extend the time for his expert disclosures until two weeks after the Defendants have fully complied with their discovery obligations, and that it enforce the Defendant's expert disclosure deadlines as presently scheduled.

Respectfully submitted,
GILBERT JAMES

By: /s/
Of Counsel

Matthew J. Erasquin, Esq. (VSB #65434)
CONSUMER LITIGATION ASSOCIATES, PC
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
(703) 273-6080 – Telephone
(888) 892-3512 – Facsimile
E-mail: matt@clalegal.com

Leonard A. Bennett, Esq. (VSB #37523)
Susan M. Rotkis, Esq. (VSB #40693)
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Boulevard, Suite 100
Newport News, Virginia 23606
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
E-mail: lenbennett@clalegal.com

Dale W. Pittman, Esq. (VSB #15673)
THE LAW OFFICE OF DALE W. PITTMAN, P.C.
The Eliza Spotswood House
112-A West Tabb Street
Petersburg, Virginia 23803
Tel: (804) 861-6000
Fax: (804) 861-3368
dale@pittmanlawoffice.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 2011, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

John C. Lynch
Troutman Sanders LLP
P. O. Box 61185
222 Central Park Ave
Suite 2000
Virginia Beach, VA 23462
757-687-7765
Fax: 757-687-1504
Email: john.lynch@troutmansanders.com

David Neal Anthony
Troutman Sanders LLP
Troutman Sanders Bldg
1001 Haxall Point
PO Box 1122
Richmond, VA 23218-1122
804-697-5410
Fax: 804-698-5118
Email: david.anthony@troutmansanders.com

Timothy James St. George
Troutman Sanders LLP
Troutman Sanders Bldg
1001 Haxall Point
PO Box 1122
Richmond, VA 23218-1122
804-697-1254
Email: tim.stgeorge@troutmansanders.com

/s/

Matthew J. Erausquin, VSB#65434
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Tel: 703-273-7770
Fax: 888-892-3512
matt@clalegal.com